

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

KEVIN A. TOLLIVER, *et al.*,

Plaintiffs,

v.

Civil Action 2:08-cv-00722

Judge Edmund A. Sargus, Jr.

Magistrate Judge E.A. Preston Deavers

**TERRY COLLINS, Director
O.D.R.C., *et al.*,**

Defendants.

ORDER

This matter is before the Court for consideration of the April 6, 2011 Report and Recommendation of the United States Magistrate Judge Elizabeth A. Preston Deavers, to whom this case was referred pursuant to 28 U.S.C. § 636(b). (ECF No. 124.) The Magistrate Judge recommended that the Court deny as moot Plaintiff's Motion for a Temporary Restraining Order. (ECF No. 119.)

The Report and Recommendation specifically advises parties that the failure to object to the Report and Recommendation within fourteen days of the Report results in a "waiver of the right to *de novo* review . . . by the District Judge and waiver of the right to appeal the judgment of the District Court." (Report and Recommendation 3, ECF No. 124.) The time period for filing objections to the Report and Recommendation has expired. The parties have not objected to the Report and Recommendation.

The Court has reviewed the Magistrate Judge's Report and Recommendation. Noting

that no objections have been filed and that the time for filing such objections has expired, the Court **ADOPTS** the Report and Recommendation. Accordingly, the Court **DENIES AS MOOT** Plaintiff's Motion for a Temporary Restraining Order. (ECF No. 119.)

IT IS SO ORDERED.

5-3-2011
DATE


EDMUND A. SARGUS, JR.
UNITED STATES DISTRICT JUDGE